

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. ... Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHA NAND
LISA M. DIROCCO
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD
DANIELLE L. HERRITT
EUIHOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
CATHERINE M. BISHOP
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in TX only
** Admitted in CT only

January 17, 2003

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Serial No. 09/357,273
Filed: July 20, 1999
Applicant: Randal J. Kaufman et al.
Title: IRE1P, A NOVEL MAMMALIAN PROTEIN
AND GENE ENCODING SAME
Our Reference: UMV-1584

RECEIVED
JAN 24 2003
TECH CENTER 1600/2900

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Restriction Requirement (2 pages); and
2. Return receipt postcard.

Certificate of First Class Mailing (37 CFR 1.8(a))

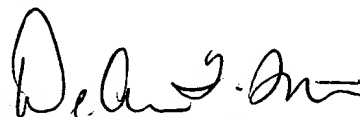
I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

January 17, 2003

Date

DeAnn F. Smith, Esq., Reg. No. 36,683

Respectfully submitted,


DeAnn F. Smith, Esq.
Reg. No. 36,683
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
(617) 227-7400



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#22/Jan
02-06-03

In re the application of: Randal J. Kaufman, et al.

Serial No.: 09/357,273

Filed: July 20, 1999

For: *Irelp, A NOVEL MAMMALIAN PROTEIN AND
GENE ENCODING SAME*

Attorney Docket No.: UMV-1584

Group Art Unit: 1647

Examiner: Hayes, Robert Clinton

RECEIVED

JAN 24 2003

TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

January 17, 2003

Date of Signature and of Mail Deposit

By:

DeAnn F. Smith, Esq.
Reg. No. 36,683
Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated December 17, 2002.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-5, 7 & 11-16, drawn to nucleic acid molecules encoding a novel human irelp protein, vectors and host cells thereof, and a method of producing such, classified in Class 453, subclass 69.1.
- II. Claims 28-29 (note claim 27 was replaced with a nucleic acid probe claim from nonelected Group V), drawn to gene therapy methods of increasing survival of transformed cells, classified Class 514, subclass 44.

Applicants hereby elect the **Group I** invention (**Claims 1-5, 7 & 11-16**) for prosecution in this application, *without traverse*.

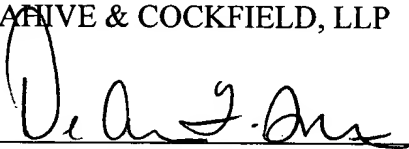
Applicants reserve the right to traverse the restriction between the non-elected group in this or a separate application.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,

LATHIVE & COCKFIELD, LLP


DeAnn F. Smith, Esq.

Reg. No.: 36,683

Attorney for Applicants

28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: January 17, 2003

RECEIVED
JAN 24 2003
TECH CENTER 1600/2900